

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARK THOMAS, individually)	
and on behalf of all others similarly situated)	
)	No. 08 CV 453
Plaintiff,)	
)	Judge Guzman
v.)	
)	Magistrate Judge Cole
RITZ CAMERA CENTERS, INC.,)	
)	JURY DEMANDED
Defendant.)	

JOINT INITIAL STATUS REPORT

A. Nature of the Case. Plaintiff claims that defendant printed his credit card expiration date on credit card receipts they received at defendant's stores in violation of FCRA 15 U.S.C. 1681c(g). Plaintiff seeks to represent a class of similarly situated customers.

1. Bases for jurisdiction, nature of the claims and counterclaims. Jurisdiction is federal question, 28 U.S.C. §§ 1331 and 1337, and FCRA 15 U.S.C. § 1681p. There is currently no counterclaim.

2. Relief sought by plaintiff, including computation of claimed damages, if available. Plaintiff seeks statutory damages for himself and the class, plus reasonable attorney's fees and costs. Statutory damages for a willful violation are \$100 to \$1,000 per violation. 15 U.S.C. § 1681n.

3. Names of any parties that have not been served. The sole defendant has been served.

4. Major legal issues. Whether class certification is appropriate, whether the conduct of the defendant was willful and whether statutory damages are constitutional or excessive.

5. Major factual issues. Whether there was a willful violation of FACTA, whether class certification criteria are satisfied and the amount of damages.

6. Citations to key authorities. *Safeco Ins. Co. of America v. Burr*, 127 S. Ct. 2201 (June 4, 2007). Defendant also believes that *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003), is a key case.

B. Preparation of Draft Scheduling Order. Defendant has filed a motion to transfer the case, which is currently being briefed as plaintiff opposes a transfer of a class limited to Cook County stores and a Maryland defendant to California where two other FACTA actions against this defendant have been pending. The parties jointly propose the scheduling order include the following dates.

1. Rule 26(a)(1) disclosures due April 21, 2008.
2. Join other parties and to amend the pleadings by April 21, 2008.
3. Percipient witness discovery cutoff - September 30, 2008.
4. Plaintiff to disclose expert report by October 15, 2008.
5. Defendant to disclose expert report by November 7, 2008.
6. Expert depositions to be completed by December 3, 2008.
7. Summary judgment motions due by December 23, 2008.

C. Trial Status

1. Whether or not a jury has been requested. Plaintiff has requested a jury.
2. Probable length of the trial. The trial will likely last five days.
3. Parties will jointly submit pretrial memorandum by April 1, 2009.

D. Consent to Proceed Before a Magistrate Judge. The parties do not consent to the jurisdiction of a Magistrate Judge.

E. Settlement Status

1. Whether or not settlement discussions have been held and the status of those discussions, if any. The parties have not initiated settlement discussions. Defendant has negotiated a nationwide class action settlement with California counsel, but the terms have not been disclosed.

Respectfully submitted,

/s/Alexander H. Burke
Counsel for Plaintiff

Keith J. Keogh
Alexander H. Burke
LAW OFFICES OF KEITH J. KEOGH, LTD.
227 W. Monroe St., Suite 2000
Chicago, Illinois 60606
(312) 726-1092 (office)
(312) 726-1093 (fax)

/s/ Charles Joern
Counsel for Defendant

Richard T. Williams
Holland & Knight LLP
633 W. Fifth Street, 21st. Floor
Los Angeles, California 90071
213-896-2400

Charles E. Joern
Suzanne E. Rollier
Holland & Knight LLP
131 S. Dearborn Street, 30th Floor
Chicago, Illinois 60603
312-263-3600